

March 6, 2009

UNITED STATES COURT OF APPEALS Elisabeth A. Shumaker
Clerk of Court
FOR THE TENTH CIRCUIT

PAMELA OLSON,

Plaintiff - Appellant,

v.

AT&T; CITY OF LENEXA, KANSAS;
VERONICA GAIGNAT ESTATE;
BERNARD VAN DE VELDE; RYLIE
EQUIPMENT AND CONTRACTING
CO.; ALLEN HARMON; CHRIS
CARROLL,

Defendants - Appellees.

No. 08-3346
(D.C. No. 2:08-CV-02126-CM-GLR)
(D. Kansas)

ORDER

Before **KELLY, HARTZ**, and **O'BRIEN**, Circuit Judges.

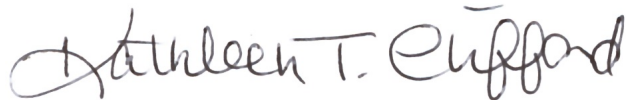
This appeal is before the court based on a show cause order questioning appellate jurisdiction and directing the parties to obtain a district court order either granting certification under Fed. R. Civ. P. 54(b) as to the December 12, 2008 Order appealed by Plaintiff Olson or explicitly adjudicating Plaintiff's remaining claims against Defendants AT&T, Chris Carroll, and City of Lenexa. *See Stockman's Water Company, LLC v. Vaca Partners, L.P.*, 425 F.3d 1263, 1265 (10th Cir. 2005); *Lewis v. B. F. Goodrich Co.*, 850

F.2d 641, 645-46 (10th Cir. 1988).

This court lacks jurisdiction. In a January 27, 2009 Order, the district court denied Rule 54(b) certification. Plaintiff's claims against Defendants AT&T, Chris Carroll, and City of Lenexa remain unresolved. Consequently, the district court order appealed by Plaintiff is interlocutory and not immediately appealable under 28 U.S.C. § 1291 or under any recognized exception to the final judgment rule.

The appeal is **DISMISSED** for lack of appellate jurisdiction.

Entered for the Court,
Elisabeth A. Shumaker, Clerk,

A handwritten signature in dark ink, reading "Kathleen T. Clifford". The signature is written in a cursive, flowing style with a large initial 'K' and a long, sweeping underline.

Kathleen T. Clifford
Attorney - Deputy Clerk